

Appendix H: Cultural and Paleontological Resources

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DETERMINATION OF ELIGIBILITY

AND

FINDING OF EFFECT

for

Utah Department of Transportation
Project No. SP-LC53(1); Southern Corridor

Developed by the

UTAH DEPARTMENT OF TRANSPORTATION

For

UTAH DIVISION, FEDERAL HIGHWAY ADMINISTRATION

December 6, 2002

Submitted to the

UTAH STATE HISTORIC PRESERVATION OFFICE

Wilson Martin, State Historic Preservation Officer

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INTRODUCTION

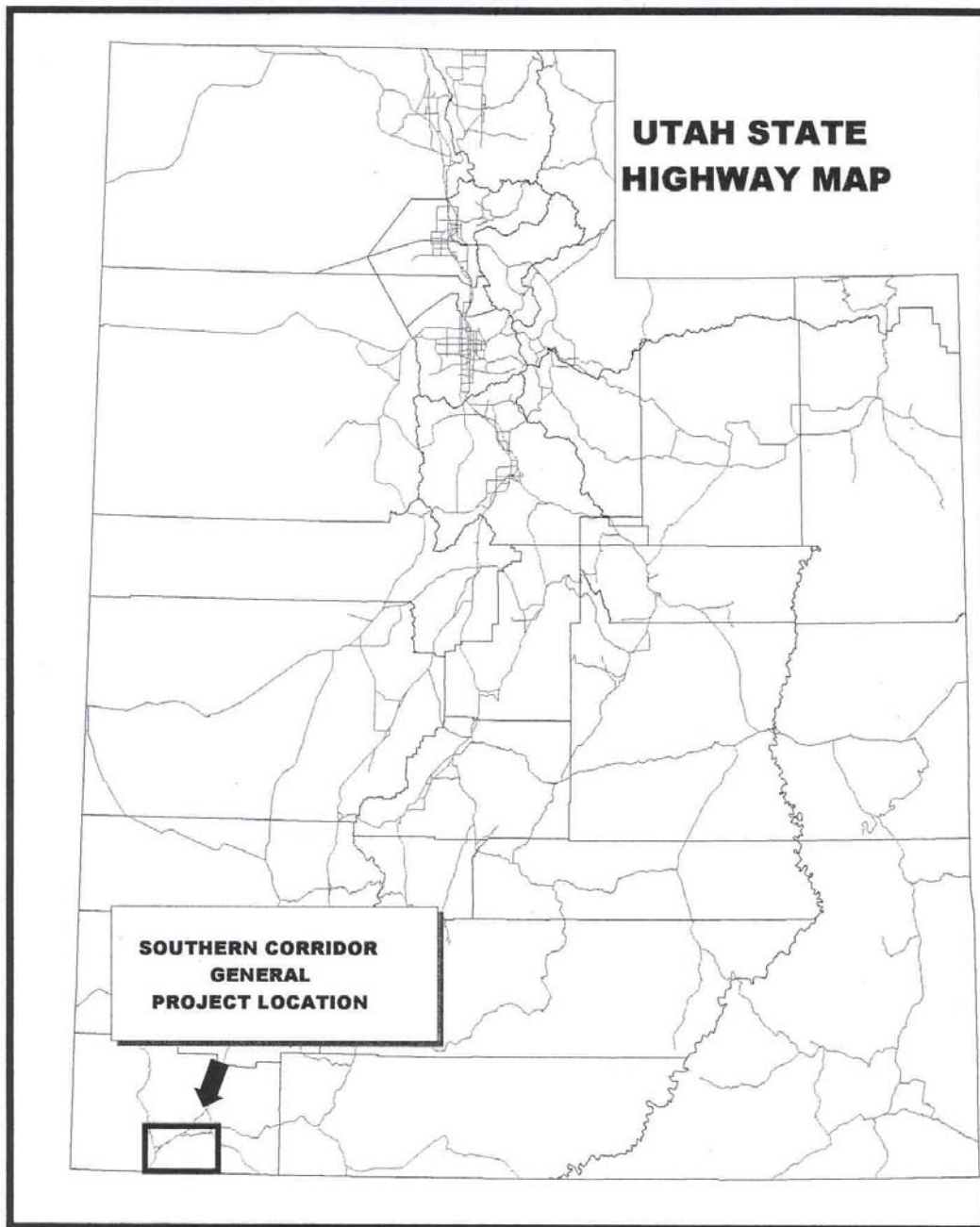
This document specifies the consideration given to historic properties in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended and Utah State Code 9-8-404 of the Utah Antiquities Act as amended in 1992, for Project No. SP-LC53(1); Southern Corridor in Washington County, Utah (Figure 1). The following Determination of Eligibility and Finding of Effect has been prepared to assist the Federal Highway Administration in consultation with potentially interested parties, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation. The proposed Southern Corridor study area extends from Interstate 15 near the state line with Arizona, heading east and eventually northeast to connect with State Route 9 near the town of Hurricane. The project will be built in phases over a twenty year period, with certain sections potentially utilizing FHWA funds. The FHWA is the lead agency for purposes of Section 106, and an Environmental Impact Statement is being prepared in accordance with the National Environmental Policy Act. The project involves lands under UDOT, Bureau of Land Management, Utah School and Institutional Trust Lands Administration jurisdiction, and private property.

THE PROJECT

UDOT is evaluating construction of an alternate route from Interstate 15 (I-15), around the southern and eastern portion of the St. George urbanized area to State Route 9 (SR-9), in Washington County. We are currently in the process of studying alternatives to address the level of service and other problems with Interstate 15 between the Hurricane Interchange and south of St. George in the vicinity of Atkinville Wash, and current and projected growth in the area to the east-southeast of St. George.

Initial screening of potential regional alignment options that would meet the purpose and need limited the focus to the area southeast of I-15 where current and projected growth is occurring, north toward Hurricane. The logical termini originates at I-15 just north of Atkinville Wash, based on the importance of I-15 as a regional transportation facility. SR-9 is the main connection between I-15 and the town of Hurricane, Zion National Park, and access to SR-59 between Hurricane to Hildale; the northern terminus is therefore SR-9. Alternative alignments have been refined over the last several years through the study of local topography and environmental resources such as farmlands, wetlands, flood plains, threatened and endangered species, including habitat, and cultural and fossil resources. The assumption is the new route would be a limited-access roadway within a 300 ft wide right of way. The width was minimized in response to the requests of several agencies and property owners.

The primary alternative locations for the new highway are illustrated on the maps included in Exhibits 1 and 2. The width of the study areas are between 122 m to 914 m (400 - 3,000 ft). Some alternatives were inventoried, but have subsequently been dropped from the analysis. The consultant's report includes all of the areas inventoried. Given the



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environmental and socio-economic constraints, a single major location is common to the three primary alternatives for the southern two thirds of the project length. The alternatives split in how to connect with SR-9, designated the 3400 West Alternative (Alignments Modified A and A); 2800 West Alternative (Alignments Modified A and D); and the 4300 West Alternative (Modified A and E). No preferred alternative will be identified in the Draft EIS stage of the project. Thus, for the DEIS stage of the project, eligibility determinations, finding of effects, and mitigation recommendations are provided for every site found in all of the alternative's area of potential effects. A draft Memorandum of Agreement covering all alternatives will be prepared and included in the DEIS. In the finalization stage of the EIS, a preferred alternative will be selected, and a Memorandum of Agreement taking into account effects on historic properties will be executed. Construction of the Southern Corridor will be phased, first as a signalized roadway, and as traffic increases, to a limited access highway with interchanges. Proposed interchanges will require a 122 m (400 ft) right of way, and would also be constructed as needed over time. Sixteen locations for possible interchanges are identified at major existing intersections and new accesses to development properties.

CULTURAL RESOURCES

Determination of Eligibility

The entire Area of Potential Effects (APE) has been inventoried for cultural resources by Montgomery Archaeological Consultants (MOAC) of Moab, Utah (Montgomery et al. 2002). Exhibit 1 presents the site locations and inventory area on topographic maps, and Exhibit 2 presents the site plots on the design sheets. MOAC's designation of the build alternatives differ from the Environmental Impact Statement, but the following equivalents are: 2800 West (MOAC's Alignment D), 3400 West (MOAC's Alignment A), and 4300 West (MOAC's Alignment E). Alternatives that were inventoried and reported by MOAC, but have been dropped from analysis, include Alignment A and B in the vicinity of the proposed airport west of I-15, in the southern portion of the project. The central alignment in this location is being carried through full analysis as part of all three alternatives. Many previous inventories have been conducted within the current area of potential effects, as detailed in MOAC's report. The width of the study area varied between 122 m to 914 m (400 -3,000 ft).

The total number of sites reported by MOAC (including those for dropped alternatives) is 135, of which there are 104 archeological sites which are prehistoric/protohistoric, 18 are historic archeological sites, and 13 are archeological sites with both prehistoric and historic components. The sites in the dropped alternatives total four eligible and seven ineligible. The total number of sites in the alternatives carried through full analysis is 124. Table 1 presents the site numbers, which alternative they are on, a brief description, their ownership status, eligibility status, the finding of effect, and suggested mitigation measures. All documented cultural resource sites are evaluated for National Register of Historic Places (NRHP) eligibility in accordance with 36 CFR 800.4(a-d). A class of sites that are in dunal settings but have very low artifact frequencies are determined potentially eligible, pending future testing, and are included in the effect totals for each alternative. The following summary of the determinations and findings includes in each separate alternative count those sites held in common on all of

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 Table 1. Southern Corridor National Register of Historic Places Eligibility Determinations/Effect/Mitigation

Site Number	Alternative	Site Type	Land Status	NRHP Status	Finding of Effect	Mitigation
42WS54	4300 W	Anasazi Pueblo	UDOT & private	eligible (D)	adverse	stake
42WS1717	all	lithic scatter/historic trash	BLM	no	n/a	
42WS1719	dropped	lithic scatter	BLM	no	n/a	
42WS1720	dropped	lithic scatter	Private	no	n/a	
42WS1721	dropped	lithic scatter	Private	no	n/a	
42WS1722	dropped	lithic scatter	BLM	no	n/a	
42WS1723	dropped	lithic scatter	BLM	no	n/a	
42WS2549-B	3400 W	road	UDOT & private	no	n/a	
42WS2549-D	2800 W	road	Private	no	n/a	
42WS2820	2800 W	Anasazi/Paiute camp	BLM	eligible (D)	adverse	data rec.
42WS2825	2800W	Anasazi camp	BLM	eligible (D)	adverse	data rec.
42WS3060	all	lithic scatter	BLM	no	n/a	
42WS3062	all	lithic scatter & quarry	BLM	no	n/a	
42WS3064	all	lithic scatter	BLM	no	n/a	
42WS3065	all	lithic scatter	BLM	no	n/a	
42WS3073	2800 W	Anasazi camp	BLM	eligible (d)	adverse	no data recovery
42WS3075	2800 W	lithic scatter	BLM	eligible (d)	adverse	data rec.
42WS3106	2800 W	lithic scatter	BLM	eligible (d)	no	
42WS3118	dropped	CCC erosion control	BLM	eligible (a,c)	no	
42WS3151	all	lithic quarry	BLM	eligible (d)	adverse	data rec.
42WS3547	2800 W	Anasazi scatter	BLM	eligible (d)	adverse	data rec.
42WS3549	2800 W	Archaic scatter	BLM	eligible (d)	no	

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 Table 1 (Continued). Southern Corridor National Register of Historic Places Eligibility
 Determinations/Effect/Mitigation

Site Number	Alternative	Site Type	Land Status	NRHP Status	Finding of Effect	Mitigation
42WS3550	3400/ 4300 W	Anasazi/Paiute scatter	BLM	eligible (d)	no	
42WS3552	out 2800 W APE	Anasazi shelter	BLM	eligible (d)	no	
42WS3565	3400/ 4300 W	Anasazi camp	BLM	eligible (d)	adverse	test
42WS3566	3400 W	Anasazi shelter	BLM	eligible (d)	no	
42WS3567	3400/ 4300 W	Anasazi shelter	BLM	eligible (d)	no	
42WS3570	3400 W	Anasazi shelter	BLM	eligible (d)	adverse	test
42WS3571	3400/ 4300 W	Anasazi shelter	BLM	eligible (d)	adverse	data rec.
42WS3861	all	lithic scatter	SITLA	no	n/a	
42WS3862	all	lithic scatter	SITLA	no	n/a	
42WS3863	all	Anasazi scatter	SITLA	eligible (d)	adverse	data rec.
42WS3864	all	lithic/historic trash scatter	SITLA	no	n/a	
42WS3865	all	lithic scatter	SITLA	no	n/a	
42WS3866	all	lithic scatter	SITLA	no	n/a	
42WS3867	all	lithic scatter	SITLA	no	n/a	
42WS3868	all	lithic scatter	SITLA	no	n/a	
42WS3869	all	lithic scatter	SITLA	no	n/a	
42WS3870	all	lithic scatter	SITLA	no	n/a	
42WS3871	dropped	historic rock feature	SITLA	no	n/a	
42WS3872	dropped	aboriginal camp	private	eligible (d)	no	
42WS3873	dropped	lithic scatter	private	eligible (d)	no	
42WS3874	dropped	lithic scatter	private	eligible (d)	no	
42WS3875	all	lithic&historic trash	BLM	eligible (d)	adverse	test,detail surface

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Table 1 (Continued). Southern Corridor National Register of Historic Places Eligibility Determinations/Effect/Mitigation

Site Number	Alternative	Site Type	Land Status	NRHP Status	Finding of Effect	Mitigation
42WS3876	all	aboriginal rock feature	BLM	no	n/a	
42WS3877	all	lithic scatter	BLM	eligible (d)	no	
42WS3878	all	lithic scatter	BLM	no	n/a	
42WS3879	all	lithic scatter	BLM	eligible (d)	no	
42WS3880	all	Anasazi scatter	BLM/private	eligible (d)	adverse	test
42WS3881	all	historic rock walls	BLM	no	n/a	
42WS3882	all	Anasazi scatter	private	eligible (d)	adverse	data rec.
42WS3883	all	Anasazi shelter	private	eligible (d)	no	
42WS3884	all	canal	private	eligible (a,c)	no	
42WS3885	all	Anasazi scatter	BLM	eligible (d)	no	
42WS3886	all	Anasazi habitation	BLM	eligible (d)	no	
42WS3887	3400/ 4300 W	Anasazi/Pai ute scatter	private	eligible (d)	adverse	data rec.
42WS3888	3400/ 4300 W	Rock Art	private	eligible (c,d)	no	
42WS3889	3400/ 4300 W	Anasazi/Pai ute camp	BLM	eligible (d)	adverse	data rec.
42WS3890	3400/ 4300 W	Anasazi scatter	BLM	eligible (d)	no	
42WS3891	3400/4300 W	lithic scatter	BLM	eligible (d)	adverse	stake
42WS3892	3400/4300 W	lithic scatter	BLM	eligible (d)	no	
42WS3893	3400/4300 W	lithic scatter	private	eligible (d)	adverse	stake
42WS3894	3400 W	Archaic, Anasazi, Paiute shelter	BLM/private	eligible (d)	no	
42WS3895	3400 W	Paiute camp	SITLA	eligible (d)	no	

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 Table 1 (Continued). Southern Corridor National Register of Historic Places Eligibility
 Determinations/Effect/Mitigation

Site Number	Alternative	Site Type	Land Status	NRHP Status	Finding of Effect	Mitigation
42WS3896	3400 W	lithic scatter	private	eligible (d)	no	
42WS3897	2800 W	lithic scatter	SITLA	no	n/a	
42WS3898	2800 W	lithic scatter	private	no	n/a	
42WS3899	dropped	lithic scatter	BLM	no	n/a	
42WS3900	all	lithic quarry	SITLA	no	n/a	
42WS3901	all	lithic scatter	private	no	n/a	
42WS3988	all	lithic scatter	SITLA	no	n/a	
42WS3989	all	historic camp	SITLA	no	n/a	
42WS3990	all	Anasazi scatter	SITLA	no	n/a	
42WS3991	all	lithic scatter historic camp	SITLA	no	n/a	
42WS3992	all	historic camp	SITLA	no	n/a	
42WS3993	all	lithic scatter historic trash	SITLA	eligible (d)	adverse	stake
42WS3994	all	Anasazi scatter	SITLA	no	n/a	
42WS3995	all	historic dump	SITLA	no	n/a	
42WS3996	all	lithic quarry	SITLA	no	n/a	
42WS3997	all	lithic scatter	BLM	eligible (d)	adverse	stake
42WS3998	all	historic erosion control	BLM	eligible(d)	adverse	data rec.
42WS3999	3400 W	aboriginal camp	SITLA	eligible (d)	adverse	data rec.
42WS4000	3400 W	aboriginal camp	SITLA	eligible (d)	no	
42WS4197	out 2800 W APE	lithic scatter	BLM	eligible (d)	no	
42WS4198	out 2800 W APE	aboriginal camp	BLM	eligible (d)	no	

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Table 1 (Continued). Southern Corridor National Register of Historic Places Eligibility Determinations/Effect/Mitigation

Site Number	Alternative	Site Type	Land Status	NRHP Status	Finding of Effect	Mitigation
42WS4199	2800 W	corral	private	no	n/a	
42WS4200	2800 W	lithic scatter historic camp	private	eligible (d)	no	
42WS4201	2800 W	historic trash	private	no	n/a	
42WS4202	2800 W	lithic scatter/ historic trash	private	no	n/a	
42WS4203	2800 W	historic trash	private	no	n/a	
42WS4204	2800 W	lithic scatter/ historic trash	private	no	n/a	
42WS4205	2800 W	historic dump	private	no	n/a	
42WS4241	2800 W	lithic scatter	BLM	no	n/a	
42WS4242	2800 W	Anasazi shelter	BLM	eligible (d)	adverse	data rec.
42WS4243	2800 W	lithic scatter	BLM	potentially eligible (d)	adverse	test
42WS4244	2800 W	lithic scatter	BLM	eligible (d)	no	
42WS4245	2800 W	lithic scatter	BLM	potentially eligible (d)	no	
42WS4246	2800 W	lithic scatter	BLM	eligible (d)	adverse	test
42WS4247	2800 W	lithic scatter	BLM	eligible (d)	adverse	test
42WS4248	2800 W	lithic scatter	BLM	potentially eligible (d)	adverse	test
42WS4249	2800 W	lithic scatter	BLM	eligible (d)	adverse	test
42WS4251	2800 W	Anasazi scatter	BLM	eligible (d)	adverse	test
42WS4252	3400 W	lithic scatter	private	eligible (d)	no	
42WS4253	3400 W	lithic scatter	SITLA	eligible (d)	adverse	test
42WS4254	3400 W	lithic scatter	SITLA	eligible (d)	adverse	test

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 Table 1 (Continued). Southern Corridor National Register of Historic Places Eligibility
 Determinations/Effect/Mitigation

Site Number	Alternative	Site Type	Land Status	NRHP Status	Finding of Effect	Mitigation
42WS4255	4300 W	historic trash/ rock feature	private	no	n/a	
42WS4256	4300 W	lithic scatter/historic trash	private	eligible (d)	no	
42WS4257	4300 W	historic trash	private	no	n/a	
42WS4258	4300 W	lithic scatter	private	eligible (d)	no	
42WS4259	4300 W	lithic scatter/ historic trash	private	potentially eligible (d)	no	
42WS4260	4300 W	lithic scatter/ historic trash	private	no	n/a	
42WS4261	4300 W	Anasazi scatter	private	eligible (d)	no	
42WS4262	4300 W	Anasazi scatter	private	eligible (d)	no	
42WS4263	4300 W	Anasazi habitation/ historic structures	private	eligible (d)	no	
42WS4264	4300 W	corral	private	no	n/a	
42WS4269	3400/ 4300 W	Anasazi camp/ historic dam	private	eligible (d)	adverse	data rec.
42WS4270	4300 W	Anasazi scatter	private	eligible (d)	adverse	test
42WS4271	3400 W	aboriginal cist	private	eligible (d)	adverse	data rec.
42WS4272	3400 W	Anasazi camp	private	eligible (d)	adverse	data rec.
42WS4273	3400 W	Anasazi shelter	private	eligible (d)	no	
42WS4274	4300 W	historic building	private	eligible (d)	no	

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Table 1 (Continued). Southern Corridor National Register of Historic Places Eligibility Determinations/Effect/Mitigation

Site Number	Alternative	Site Type	Land Status	NRHP Status	Finding of Effect	Mitigation
42WS4287	4300 W	lithic scatter	private	potentially eligible (d)	no	
42WS4288	4300 W	lithic scatter	private	potentially eligible (d)	adverse	test
42WS4289	4300 W	lithic scatter	BLM	potentially eligible (d)	no	
42WS4290	4300 W	Anasazi camp/ historic trash	BLM	eligible (d)	adverse	data rec.
42WS4291	4300 W	lithic scatter	private	eligible (d)	adverse	data rec.
42WS4292	4300 W	lithic scatter	BLM	potentially eligible (d)	no	
42WS4293	4300 W	lithic scatter	BLM	potentially eligible (d)	no	
42WS4294	4300 W	Anasazi scatter	BLM	eligible (d)	adverse	data rec.
42WS4295	4300W	lithic scatter	private	potentially eligible (d)	adverse	test
42WS4296	4300 W	aboriginal camp/ historic trash scatter	private	eligible (d)	adverse	data rec.
42WS4297	4300 W	lithic scatter	private	no	n/a	
42WS4298	4300 W	lithic scatter	private	potentially eligible (d)	no	
42WS4299	3400 W	lithic scatter	private	potentially eligible (d)	no	
42WS4300	3400 W	Anasazi scatter	private	eligible (d)	no	

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 the alternatives in addition to the sites where a given alternative splits off: Alternative 2800 West has 32 eligible sites, 37 ineligible sites, and three potentially eligible sites; the 3400 West alternative has 40 eligible sites, 28 ineligible, and one potentially eligible site; and the 4300 West alternative has 37 eligible sites, 33 ineligible, and eight potentially eligible sites.

Finding of Effect

Only historic properties (i.e. NRHP-eligible) can logically be affected by undertakings. Thus, those sites which have been determined not eligible do not receive consideration of avoidance of effect by the project. To summarize the findings in Table 1, the 2800 West alternative has 20 adversely affected sites; the 3400 West alternative has 21 adversely affected sites; and the 4300 West Alternative has 22 adversely affected sites. Exhibit 3 presents the affected site maps with the impact area delineated. Every effort has been made to avoid impacting the eligible sites in the project APE through minor alignment adjustments and/or pulling in slopes and cuts. In those cases where avoidance is not possible it is because safety for the traveling public would be unacceptably compromised, or moving the roadway would impact other or even a greater number of historic properties. Because of the margin of error in mapping the location of the sites in relation to design, those eligible and potentially eligible sites on the design sheets that are within 5 m (15 ft) of the toe of slope or top of cut are counted as being adversely affected.

Proposed Mitigation

Upon selection of a preferred alternative as part of the final EIS phase, the UDOT, the BLM, SITLA, the State Historic Preservation Officer, other consulting parties, and the Advisory Council on Historic Preservation are invited by FHWA to participate in developing a Memorandum of Agreement to take into account the adverse effect of this undertaking on the historic properties in the APE. A draft MOA stipulating measures for each build alternative is in Exhibit 4. For most of the adversely affected sites, the proposed mitigation includes archeological data recovery in advance of construction. The MOA will require development of a written data recovery plan for individual sites that will be submitted for review and approval by the consulting parties and the SHPO prior to implementation. FHWA typically competitively advertises its data recovery projects, and the winning technical proposal will serve as the data recovery plan. No data recovery is recommended for adversely affected site 42WS3073 that is affected by all alternatives. This site was originally recorded by the BLM in 1995. It consisted of an eroded hearth feature, associated with 10-20 lithic flakes, a scraper, one hammerstone, and three fragments of groundstone. Two redware ceramic sherds were also recorded. Brigham Young University tested the site in 1997, by excavating a part of the eroded hearth and recovering material that yielded a date of 1940+-50 years before present. They excavated a 40 m long trench, and found no other cultural material. They subsumed this site under site 42WS2820. This eligible property is being adversely affected and is going to data recovery, though no additional work is proposed in the WS3073 area.

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The sites that are potentially eligible have testing recommended to determine their eligibility status, which will be included as the scope of work in the data recovery plan. If a tested site is determined eligible, a written standard treatment plan incorporated into the data recovery plan will be implemented.

Those sites that are within a 5 m range of mapping error will first be staked when the proposed highway section is under active development to finalize whether they will be affected or not. If affected, these sites will go to data recovery under the written treatment plan developed per stipulations in the MOA. Temporary fencing will be erected along unaffected eligible site portions to prevent accidental encroachment during construction.

Archeological monitoring of construction excavation on the 2800 West alternative between Engineer's Stations 970 + 00 to 1215 + 00 is recommended due to the possibility of hidden archeological remains in sand dune fields. This will be included in the scope of work for the data recovery plan if the 2800 West alternative is selected as the preferred.

FHWA and UDOT would ensure that those conducting the mitigation work will meet or exceed the requirements put forth by the Secretary of the Interior's Standards: Professional Qualifications (1983 Federal Register Vol. 48 No. 190) and Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and the Advisory Council's publication Treatment of Archaeological Properties.

Consulting Parties

Potential tribal consulting parties that are being contacted by FHWA/ UDOT include the Hopi, the Navajo Nation, the Paiute Indian Tribe of Utah and its Shivwits, Cedar, Indian Peak, and Kanosh Bands, the Uintah/Ouray Ute, the Las Vegas Paiute, the Moapa Paiute, and the Kaibab Paiute. On May 5, 1999 Montgomery Archaeological Consultants contacted all except the Uintah/Ouray Ute on behalf of UDOT, when the project was solely pursued by the state of Utah.

At that time, only the Hopi Tribe responded with a request to be a consulting party (Exhibit 5), and none of the other tribes responded. On behalf of FHWA, UDOT is contacting all of the mentioned tribes again, providing their governments with a copy of this document for their review and comment. All of the listed tribes are invited to be consulting parties in the Section 106 process.

Other potential consulting parties contacted by UDOT and provided a copy of this document (without the site specific location information) and an invitation to participate include: the Washington County Historical Society, the Hurricane City Historical Commission, the city governments of Hurricane, Washington, and St. George, the Utah Statewide Archaeological Society, and the Utah Professional Archaeological Council. The BLM and SITLA are cooperating agencies with jurisdictions in the project boundaries, and are consulting parties.

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PRESERVATION OF UNAFFECTED SITE PORTIONS

To ensure the contractor does not encroach into any site areas not specified for construction use, the UDOT will include a special provision in the construction contract that explicitly identifies the areas needing protection by roadway stationing and erecting temporary fencing as a barrier to unaffected site portions. Standard Specifications governing the contract require that any damage incurred by the contractor will be mitigated at contractor expense.

PLANNING FOR DISCOVERY

Although the project APE has been 100% inventoried, it is always possible that archeological, historical, or paleontological resources could be discovered during construction. UDOT is providing for the protection, evaluation, and treatment of any historic property discovered prior to or during construction. UDOT Standard CSI 01355 Environmental Protection Part 1.9 - Discovery of Historic, Archeological, and Paleontological Resources applies to this project (Exhibit 6), and stipulates instructions to the contractor for the protection of any archaeological, historical, or paleontological resource discovered in the course of construction.

Should a discovery occur, UDOT will consult with the SHPO and relevant Consulting Parties toward developing and implementing an appropriate treatment plan prior to resuming construction.

CHANGES DURING CONSTRUCTION

Quite often, the construction contractor will need locations to either acquire or stockpile material within the construction project limits. UDOT proposes that the UDOT Archeologist be able to approve without additional consultation locations that avoid all eligible historic properties within the Southern Corridor right of way in the project limits during construction.

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Table 2. Historic Properties which Warrant Preservation in Place

Smithsonian Site Number	Cultural Affiliation	Site Type	Alternative	Adversely Affected
42Ws3567	Virgin Anasazi	Rock Shelter	3400 West	No
42Ws3884	EuroAmerican	Canal	All Alternatives	No
42Ws3886	Virgin Anasazi	Habitation	All Alternatives	No
42Ws3888	Virgin Anasazi	Prehistoric Rock Art	4300 West 3400 West	No
42Ws3894	Late Archaic, Virgin Anasazi, & Southern Paiute	Rock Shelter	3400 West	No
42Ws4273	Virgin Anasazi	Rock Shelter	3400 West	No
42Ws54	Virgin Anasazi/Southern Paiute	Habitation, Lithic and Ceramic Scatter, Rock Art	4300 West	Yes

SECTION 4(F) CONSIDERATIONS

This section has been included to facilitate USHPO and Council consultation concerning the applicability of Section 4(f) of the Department of Transportation Act of 1966, as amended. Consultation with the USHPO and Council regarding Section 4(f) is required by 23 CFR 771.135 (52 Federal Register 167).

Title 23 of the Code of Federal Regulations states that "The Administration may not approve the use of land from...any significant historic site unless a determination is made that:

- (i) There is no feasible and prudent alternative to the use of land from the property; and
- (ii) The action includes all possible planning to minimize harm to the property resulting from such use.

Paragraph (g)(2) of this regulation states that "Section 4(f) does not apply to archeological sites where the Administration, after consultation with the SHPO and the ACHP, determines that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place". Thus, eligible sites that are "important for preservation in place" are those that are eligible under criteria other than "D", or information potential alone.

Section 4(f) Resources

The sites within the project area that Section 4(f) may apply to are in Table 2. These seven sites are important for preservation in place. Of these, only 42WS54 is potentially

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adversely affected. More precise staking of the area of effect of the 4300 West Alternative on the ground may fall within the previously disturbed areas on site. The site consists of an extensive lithic and ceramic scatter in association with a Virgin Anasazi pueblo on a mesa top. Six panels of rock art were identified during a 1989 inventory. Some data recovery of the site was conducted in 1991 for UDOT for a SR-9 widening project. This construction removed the cliff further to the southeast, and removed five rock art panels, thus only one remains. The site warrants preservation in place because the site embodies characteristics beyond information potential, since it includes a rock art panel and the potential for human remains. The site is on private and State of Utah land with the only access provided by foot.

Impacts to Section 4(f) Resources

Site 42WS54 is clipped along its northern extent by taking the cliff face back an additional 2 m (7 ft). This area has only sparsely distributed surface artifacts on the cliff top, but does include about 4 m (12ft) of the sand flat below and west of the cliff. These areas do not have any rock art or potential for human remains, and largely previously disturbed. If the 4300 West alternative is advanced, more precise staking may avoid impacting this site altogether.

Section 4(f) Determination

Because 42WS54 is not affected where there is rock art or where there is potential for human remains, Section 4(f) does not apply.

REFERENCES CITED

Montgomery, Keith, and Sharyl Kinnear-Ferris, Jacki Montgomery
2002 Cultural Resource and Fossil Inventory of the Utah Department of Transportation's Southern Corridor Project, Washington County, Utah. Prepared by Montgomery Archaeological Consultants, Moab. On file at the Utah Department of Transportation Region Four, Richfield, Utah.